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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. **2009-173**

HEATHER MEGAN BOHANNON,
A.K.A. HEATHER MEGAN CURRY
1105 Bush Street, Unit #105
San Francisco, California 94109

ACCUSATION

Registered Nurse License No. 640443

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about July 15, 2004, the Board of Registered Nursing issued Registered Nurse License Number 640443 to Heather Megan Bohannon, also known as Heather Megan Curry (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct. . . ."

7. Section 2762 of the Code states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

". . . ."

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible

1 entries in any hospital, patient, or other record pertaining to the substances described in
2 subdivision (a) of this section."

3 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
4 request the administrative law judge to direct a licentiate found to have committed a violation or
5 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
6 and enforcement of the case.

7 9. Section 118 of the Code states, in pertinent part:

8 "(b) The suspension, expiration, or forfeiture by operation of law of a license
9 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
10 board or by order of a court of law, or its surrender without the written consent of the board, shall
11 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
12 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
13 any ground provided by law or to enter an order suspending or revoking the license or otherwise
14 taking disciplinary action against the licensee on any such ground. . . ."

15 10. Section 492 of the Code states, in pertinent part:

16 "Notwithstanding any other provision of law, successful completion of any
17 diversion program under the Penal Code . . . shall not prohibit any agency established under
18 Division 2 ([Healing Arts] commencing with Section 500) of this code . . . from taking
19 disciplinary action against a licensee or from denying a license for professional misconduct,
20 notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an
21 arrest. . . ."

22 11. Section 2770.11 of the Code states, in pertinent part:

23 "(a) Each registered nurse who requests participation in a diversion program shall
24 agree to cooperate with the rehabilitation program designed by the committee and approved by
25 the program manager. Any failure to comply with the provisions of the rehabilitation program
26 may result in termination of the registered nurse's participation in a program. . . .

27 "(b) If the program manager determines that a registered nurse, who is . . .
28 terminated from the program, presents a threat to the public or his or her own health and safety,

1 the program manager shall report the name and license number, along with a copy of all
2 diversion records for that registered nurse, to the board's enforcement program. The board may
3 use any of the records it receives under this subdivision in any disciplinary proceeding."

4 DRUGS

5 12. Hydromorphone (Dilaudid) is a Schedule II controlled substance, as
6 designated by Health and Safety Code section 11055(b)(1)(K), and a dangerous drug pursuant to
7 Business and Professions Code section 4022 in that it can be lawfully dispensed only by
8 prescription.

9 FIRST CAUSE FOR DISCIPLINE

10 **(Unprofessional Conduct: Unlawful Obtainment and Possession of a Controlled Substance)**

11 13. Respondent is subject to disciplinary action under Code sections 2761(a)
12 and 2762(a) in that she engaged in unprofessional conduct when she unlawfully obtained and
13 possessed a controlled substance. The circumstances are set forth in paragraph 14, below.

14 14. On or about November 10, 2007, Respondent, while working as an
15 Emergency Room nurse at Novato Community Hospital, unlawfully procured Dilaudid from the
16 hospital's medical cabinet by entering the name of a patient who had been previously discharged.
17 When confronted by her supervisor, Respondent retrieved two vials of Dilaudid from her blouse
18 pocket. Upon her arrest, as detailed in Novato Police Department Case No. 07-8018, a syringe
19 was found in Respondent's purse. Respondent admitted to the arresting officer that she had
20 obtained the Dilaudid from the hospital medical cabinet for her personal use and that she
21 intended to use the syringe to inject the Dilaudid. Respondent was later charged with felony
22 violations of Health and Safety Code sections 11173(a), Obtaining a Controlled Substance by
23 Fraud, and 11350(a), Possession of a Controlled Substance, and a misdemeanor violation of
24 Business and Professions Code section 4140, Unauthorized Possession of a Hypodermic Needle
25 or Syringe, in a criminal proceeding entitled *People v. Heather Megan Bohannon*, Marin County
26 Superior Court Case No. SC156614A. In that case, Respondent pled guilty to a felony violation
27 of Health and Safety Code section 11350(a), thereby further admitting her conduct, and was
28 given Deferred Entry of Judgment pending successful completion of diversion. Diversion is set

1 to expire on February 20, 2010.^{1/}

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Unprofessional Conduct: Falsification of Hospital Record**

4 **Regarding a Controlled Substance)**

5 15. Respondent is subject to disciplinary action under Code sections 2761(a)
6 and 2762(e) in that she engaged in unprofessional conduct when she falsified an entry in a
7 hospital record pertaining to a controlled substance by entering the name of a previously
8 discharged patient in order to obtain Dilaudid. The circumstances are set forth in paragraph 14,
9 above.

10 **DISCIPLINE CONSIDERATIONS**

11 16. To determine the degree of discipline, if any, to be imposed on
12 Respondent, Complainant alleges that on or about November 20, 2007, Respondent was admitted
13 into the California Board of Registered Nursing Diversion Program (Diversion Program). As a
14 condition of admission, Respondent agreed to abstain from the use of alcohol and all other mind-
15 altering drugs, except as prescribed by a physician, and to submit to random body fluid screening
16 tests. On or about October 20, 2008, based upon Respondent's history of positive body fluid
17 screening tests^{2/}, Respondent was terminated from the Diversion Program for failure to comply
18 with the provisions of the rehabilitation plan and for being a public safety risk.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein
21 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


22 1. Revoking Registered Nurse License Number 640443, issued to Heather
23 Megan Bohannon, also known as Heather Megan Curry;

24 _____
25 1. Pursuant to Penal Code section 1001.1(d), said guilty plea does not constitute a
26 conviction for any purpose unless a judgment of guilty is entered pursuant to Penal Code
section 1000.3.

27 2. Respondent's random body fluid screening tested positive for Xanax on or about January
28 2, 2008 and positive for alcohol on or about January 16, 2008, April 24, 2008, and September
17, 2008.

- 1 2. Ordering Heather Megan Bohannon to pay the Board of Registered
2 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
3 Business and Professions Code section 125.3; and
4 3. Taking such other and further action as deemed necessary and proper.
5

6 DATED: 2/17/09
7

8 
9 RUTH ANN TERRY, M.P.H., R.N.
10 Executive Officer
11 Board of Registered Nursing
12 Department of Consumer Affairs
13 State of California
14 Complainant

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